

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JERMAINE BLASSENGALE : CIVIL ACTION
: NO. 11-3006
v. :
:
CITY OF PHILADELPHIA, et al. :
:

ORDER

AND NOW this 28th day of September 2012, upon consideration of the motion to dismiss filed by defendants Special Agents Fedarcyk and Pacchioli (Dkt. No. 31), Blassengale's Motion to Deny Motion to Dismiss and Memorandum of Law in Support thereof (Dkt. Nos. 32 and 34), and the Special Agents' Memorandum in Further Support of their Motion to Dismiss (Dkt. No. 33), it is ORDERED that defendants' motion is DENIED as to Blassengale's Fourth Amendment claim for false arrest against Special Agent Pacchioli and GRANTED as to his remaining Fourth, Fifth and Eighth Amendment claims, which are dismissed. Consistent with the accompanying memorandum of law, and to the extent that he can allege facts sufficient to state his claims against defendants, plaintiff is permitted to file an amended complaint asserting claims under the Fourth, Fifth and Eighth Amendments on or before October 29, 2012.

Thomas N. O'Neill /s/
THOMAS N. O'NEILL, JR., J.